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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,399	07/02/2003	Daniel Putterman	MACV.P0011	2580
23349	7590	10/03/2007		
Stattler-Suh PC 60 SOUTH MARKET SUITE 480 SAN JOSE, CA 95113			EXAMINER INGVOLDSTAD, BENNETT	
			ART UNIT	PAPER NUMBER
			2609	
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			10/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/613,399

Applicant(s)

PUTTERMAN ET AL.

Examiner

Bennett Ingvaldstad

Art Unit

2609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claims 1, 9, and 17 are objected to because of the following informalities:
Claim 1 lines 13-14, Claim 9 line 16, Claim 17 line 11: "to delivery said service"
should be changed to --to deliver said service--.
Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 9, 10, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Hayashi (US 7089321).

Regarding claim 1, Hayashi discloses a method for networking a plurality of clients in a personal video recording ("PVR") system, said method comprising the steps of:

- receiving a plurality of television signals (digital satellite broadcast [col. 6, 64-67]);
- tuning each of said television signals in one of a plurality of tuners (multiple tuners [col. 8, 36-44]);

- buffering said television signals on a storage medium in at least one PVR media server (the data is buffered so it can be re-transmitted to the clients [col. 8 4-12]);
- coupling a plurality of clients, over a network, to said PVR media server (wireless client devices coupled to wireless server [col. 7, 9-14]);
- receiving at least one request from each of at least two clients for at least one service in said PVR system (each client can generate requests [col. 7, 8-14] [col. 11 30-42]); and
- allocating resources of said PVR system to said clients, as appropriate, to delivery said service to said clients (data is transmitted to clients [col. 7, 1-8])

Regarding claim 9, Hayashi discloses a personal video recording ("PVR") media server comprising:

- input for receiving a plurality of television signals (Fig. 2 satellite dish 10 [col. 6, 64-47]);
- a plurality of tuners for tuning each of said television signals (Fig. 2 tuners 11A, 11B);
- storage medium for buffering said television signals (Fig. 2 memories 12A, 12B and hard disc 150);

- network interface for coupling a plurality of clients, over a network, to said PVR media server (Fig. 2 wireless transceiver unit coupled to plurality of clients [Fig. 1]); and
- said PVR media server for receiving at least one request from each of at least two clients for at least one service in said PVR system (each client can generate requests for services [col. 7, 8-14]), and for allocating resources of said PVR system to said clients, as appropriate, to delivery said service to said clients (data is transmitted to clients [col. 7, 1-8]) .

Regarding claims 2 and 10, depending on claims 1 and 9, Hayashi further discloses wherein:

- the step of receiving at least one request comprises the step of receiving a request to record a television program (record request [col. 11, 7-16]); and
- the step of allocating resources of said PVR system to said clients comprises the steps of:
 - assigning a tuner to record said television program (activating tuner [col. 11, 7-16]);
 - allocating space on said storage medium to record said television program (space is allocated in order to record the program on the hard disc drive [col. 11, 7-16]); and

- storing said television signal on said storage medium during a time scheduled for said television program (recording the program on the hard disc drive [col. 11, 7-16]).

Regarding claim 17, Hayashi discloses a personal video recording ("PVR") system comprising: at least one PVR media server comprising:

- input for receiving a plurality of television signals (Fig. 2 satellite dish 10 [col. 6, 64-47]);
- a plurality of tuners for tuning each of said television signals (Fig. 2 tuners 11A, 11B);
- storage medium for buffering said television signals (Fig. 2 memories 12A, 12B and hard disc 150);
- network (Fig. 1 wireless network); and
- a plurality of clients, coupled over said network to said PVR media server (clients Fig. 1), for receiving at least one request from each of at least two clients for at least one service in said PVR system (each client can generate requests for services [col. 7, 8-14]), and for allocating resources of said PVR system to said clients, as appropriate, to delivery said service to said clients (data is transmitted to clients [col. 7, 1-8])

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi (US 7089321) in view of Ellis (US 2007/0199030).

Regarding claims 3 and 11, depending on claims 1 and 9, Hayashi further discloses wherein:

- the step of receiving at least one request comprises the step of receiving a request to watch buffered live television (request to reproduce a program [Hayashi col. 11, 17-22]); and
- the step of allocating resources of said PVR system comprises the steps of:
 - assigning a tuner to said client (a tuner is assigned to a client by activating the tuner to record the program requested by the client [Hayashi col. 11, 7-16]);
 - transferring said television to said client, so as to deliver said television signal (broadcast signal is reproduced and transmitted to client [Hayashi col. 11, 17-30])

Hayashi does not further disclose:

- generating a buffer position to identify a location within said television signal for playback of said television signal at a client; and
- transferring said television to said client, so as to deliver said television signal using said buffer position

Ellis discloses in an analogous art a method for networking a plurality of clients in a personal video recording ("PVR") system wherein the step of allocating resources of said PVR system comprises the steps of:

- generating a buffer position to identify a location within said television signal for playback of said television signal at a client (media server assigns a pointer for each user's current viewing position [0093]); and
- transferring said television to said client, so as to deliver said television signal using said buffer position (users play back recorded programs from the media server [Abstract] using buffer positions as described in [0093])

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method disclosed by Hayashi with the teaching of Ellis for the purpose of allowing multiple users to simultaneously view a single program at different time positions in the program [Ellis 0093])

6. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi (US 7089321) in view of Ansari (US 2004/0221302).

Regarding claims 4 and 12, depending on claims 1 and 9, Hayashi further discloses wherein:

- the step of receiving at least one request comprises the step of receiving a request to receive television signals from a [] television service provider (programs are transmitted to the client in response to control signals from the user [col. 9, 25-31] e.g. requests to change channel [col. 10, 44-45]); and
- the step of allocating resources of said PVR system comprises the steps of:
 - identifying one or more tuners coupled to receive television signals from said television service provider (the user supplies a requested channel or program [col. 10, 43-45] and the server selects a tuner to provide the signal which implies an identification); and
 - assigning a tuner from said tuners to receive television signals from said television service provider (the requested signal is transmitted to the user [col. 9, 25-31])

Hayashi does not further disclose wherein the step of receiving at least one request comprises the step of receiving a request to receive television signals from a specific television service provider, as disclosed by applicant.

Ansari discloses in an analogous art a multi-tuner television reception system that receives signals from multiple television service providers (Fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the multi-tuner PVR system disclosed by Hayashi with the teaching of Ansari's multi-tuner system for the purpose of receiving different programs from multiple service providers (Ansari [0007], [0013]), thereby rendering obvious the step of receiving a request to receive television signals from a specific television service provider.

7. Claims 5-7 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi (US 7089321) in view of Willame (US 2006/0179462).

Regarding claims 5 and 13, depending on claims 1 and 9, Hayashi does not further disclose:

- wherein the step of allocating resources of said PVR system to said clients comprises the step of resolving any conflicts of assigning resources to said clients

Willame discloses in an analogous art a multi-tuner PVR system wherein a step of allocating resources of said PVR system to clients comprises the step of resolving any conflicts of assigning resources to said clients (Fig. 7 and related description [0092])

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the multi-tuner PVR system disclosed by Hayashi with the teaching of Willame's multi-tuner PVR system for the purpose of resolving conflicts between programs identified for recording (Willame [0089]).

Regarding claims 6 and 14, depending on claims 5 and 13, Hayashi in view of Willame further discloses wherein:

- the step of receiving at least one request comprises the step of receiving a request to watch buffered live television at a channel selected (Hayashi [col. 10, 43-45]); and
- the step of resolving any conflicts of assigning resources comprises the steps of: determining whether one of said tuners is available to receive said television signal (determining whether a conflict between programs identified for recording exists [Willame 0089]);
- if so,
 - assigning said tuner to receive said television signal at said channel selected (tuning different channels [Willame 0051] i.e. when no conflict exists);
- if not,

- determining which tuners are potentially available (this determination is made in order to suggest changes to resolve the conflict [Willame 0092]);
- querying clients assigned to said tuners potentially available to determine whether said clients desire to change a current channel of said tuner to said channel selected (the conflict resolution screen [Fig. 7] allows the user to change the current channel to allow a recording [Willame 0092]); and
- assigning a tuner potentially available to receive a television signal at said channel selected if no clients cancel a change of said current channel (if the resolution screen is left "as is" the channel will change [Willame 0092])

Regarding claims 7 and 15, depending on claims 5 and 13, Hayashi in view of Willame further discloses wherein:

- the step of receiving at least one request comprises the step of receiving a request to record a television program (programs can be preset for recording [Hayashi col. 11, 7-16]); and
- the step of resolving any conflicts of assigning resources comprises the steps of: determining whether one of said tuners is available to receive said television signal (determining whether a conflict between programs identified for recording exists [Willame 0089]); if so,

- assigning said tuner to receive said television signal (tuning different channels [Willame 0051] i.e. when no conflict exists);
- if not,
 - determining which tuners are potentially available (this determination is made in order to suggest changes to resolve the conflict [Willame 0092]);
 - querying Clients assigned to said tuners potentially available to determine whether said clients desire to cancel recordation of said television program (the conflict resolution screen [Fig. 7] allows the user to cancel recordation [Willame 0092]); and
 - assigning a tuner potentially available to receive said television signal if no clients cancel recordation of said television program (if the resolution screen is left "as is" the channel will change [Willame 0092])

8. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi (US 7089321) in view of Willame (US 2006/0179462), further in view of Sparrell (US 2004/0268407).

Regarding claims 8 and 16, depending on claims 5 and 13, Hayashi in view of Willame does not further disclose the steps of:

- assigning a totally free tuner state to a tuner not assigned to a client;

- assigning a maybe free tuner state to a tuner assigned to a client but not currently executing a scheduled recordation; and
- assigning a busy tuner state to a tuner currently executing a scheduled recordation

Sparrell discloses in an analogous art a method for networking a plurality of clients in a personal video recording ("PVR") system comprising the steps of:

- assigning a totally free tuner state to a tuner not assigned to a client (centralized resource manager identifies available network resources which may be tuners [0064]);
- assigning a maybe free tuner state to a tuner assigned to a client but not currently executing a scheduled recordation (when a scheduled recording has been completed [0078] a user may "steal" the tuner from the assigned user if the centralized resource manager determines the tuner is not being used e.g. it is off [0077]); and
- assigning a busy tuner state to a tuner currently executing a scheduled recordation (centralized resource manager alerts the user if no tuners are available [0075])

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the multi-tuner PVR system disclosed by Hayashi in view of Willame with the teaching of Sparrell's multi-tuner PVR system for the purpose of allowing a user to re-allocate network resources which are not in use (Sparrell [0077]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bennett Ingvoldstad whose telephone number is (571) 270-3431. The examiner can normally be reached on M-Th 7-5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hai Tran can be reached on (571) 272-7305. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BI

A handwritten signature in black ink, appearing to read 'Hai Tran', with a horizontal line drawn underneath it.

**HAI TRAN
PRIMARY EXAMINER**